

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 12-4039-02-CR-C-FJG
	)	
JOSE JAVIER MONTALVO-NICOLAS,	)	
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

Defendant Jose Javier Montalvo-Nicolas, by consent, appeared before the undersigned on October 1, 2012, pursuant to Rule 11 of the Federal Rules of Criminal Procedure, Local Rule 72(c)(1)(j), and 28 U.S.C. § 636, and has entered a plea of guilty to Counts One and Two of the Indictment filed on May 23, 2012. In addition, defendant does not contest the criminal forfeiture allegation contained in the Indictment. After cautioning and examining the defendant, under oath, in accordance with the requirements of Rule 11, it was determined that the guilty plea was made with full knowledge of the charges and the consequences of pleading guilty, was voluntary, and that the offenses to which the defendant has plead guilty are supported by a factual basis for each of the essential elements of the offenses.

IT IS, THEREFORE, RECOMMENDED that the plea of guilty be accepted and that defendant Jose Javier Montalvo-Nicolas be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its filing will bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

Dated this 1<sup>st</sup> day of October, 2012, at Jefferson City, Missouri.

/s/ *Matt J. Whitworth*  
MATT J. WHITWORTH  
United States Magistrate Judge